Cigaret Cancer Trial Opens

By DENNIS BEREND

Trial began in Federal Court today of a $1,500,000 damage suit in which a Miami widow claimed that Lucky Strike cigarets gave her husband lung cancer which caused his death.

The suit was brought by Mrs. Mary Green, 2712 SW 17th Ave., whose husband, Edwin M., president of a contracting firm, died of lung cancer on Feb. 25, 1958.

Green started the suit a month before his death. Mrs. Green continued it.

It names the American Tobacco Co., makers of Lucky Strike cigarets, as defendants, charging that the company failed to warn or safeguard Green against "harmful substances" contained in the cigarets.

In earlier legal action in the case, the cigaret manufacturer admitted that small quantities of tar, nicotine and arsenic are contained in cigaret smoke.

Although substances contained in tar are known to produce cancer in animals, the question whether the substances have the same effect on the human lung has long been a point of controversy.

A FACTOR?

Nicotine is not a known carcinogen (cancer-producer). Arsenic may be a factor in helping a carcinogen to produce cancer, chemists have said.

Dr. Lawrence V. Hastings, attorney for Mrs. Green, charges that carcinogens are in the tar, that Green was unaware of the fact, and that the substances could have and should have been removed.

Green smoked between two and three packages of cigarets a day — almost exclusively Lucky Strike — for about 30 years, Dr. Hastings said.

FIT, SAFE?

Mrs. Green charged the company with negligence, breach of implied warranty, and misleading advertising.

She alleged through the attorney that the company implied in its ads Lucky Strike cigarets are fit and safe for human consumption.

Dr. Hastings said:

"Until manufacturers face the fact that carcinogenic substances are present in their cigarets, they won't begin to take measures to remove them.

"Our case, it is hoped, will force their recognition by pointing out the mountain of scientific evidence against them."

Miami News
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Jury Set in Cancer Suit

MIAMI, Fla., July 18 (UPI)— A Federal court jury was chosen today to hear a damage suit brought against the American Tobacco Company by Mrs. Edwin M. Green, whose husband died of Lung Cancer in 1958. The suit contends the company failed to warn Mr. Green against alleged "harmful substances" in the cigarettes.

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Jury Told Smokers Risk Cancer

By ARTHUR JOHNSEY
Herald Staff Writer

The opinion of a lung cancer specialist that a heavy smoker's risk of lung cancer is 20 times greater than a non-smoker went into the record of a federal court trial Tuesday.

A jury was allowed to hear this conclusion of Dr. Ernest L. Wynder, head of Sloan Kettering Institute Research Center, as one of a series of witnesses for the plaintiff in a suit resulting from the death of a Miamian from lung cancer.

The estate of Edwin M. Green, a contractor who died in 1958, is suing the American Tobacco Co., contending the company failed to warn of cancer-causing tar in the cigarets.

Dr. Wynder testified that there are different types of lung cancer, some un-related to smoking, but that in his opinion smoking was a major cause of one type of the disease.

Large portions of the doctor's prepared statements were deleted on objections of attorney David Dyer for the American Tobacco Co.

Federal Judge Emett Choate ruled them inadmissible on grounds they stated conclusions reached in studies in which Dr. Wynder's colleagues did so much of the work he could not have known personally of all of it.

The doctor explained why much of the evidence in studies of lung cancer has been based on statistics.

"Lung cancer rose very sharply in men and has increased in women, so you looked for a cause more prevalent in men than in women."

Asked about his failure to find cancer on hands yellowed by cigaret smoking, Dr. Wynder said skin tissue has been found to have cells more resistant to the absorption of chemicals in tobacco tars.

The jury was allowed to receive his statement that 90 per cent of the smoke that is inhaled stays in the lung and is absorbed whereas skin on the fingers absorbs little.

Statements of another cancer expert, Dr. Arthur Purdy Stout, a New York pathologist, were given to the jury but did not include his opinions about his findings from years of research.

Doctor-attorney Lawrence V. Hastings' efforts to bolster the plaintiff's evidence with Stout's opinions failed when the judge ruled Stout's work — viewing slides prepared by others—depended for its validity upon the work of others about which he could not testify or be cross-examined. Judge Choate therefore withheld most of Stout's statement from the jury.

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